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REMARKS

This paper is responsive to the Final Office Action dated April 27, 2005. In the Final Office Action, the Examiner stated that Applicants' previous arguments were unpersuasive. Applicants respectfully request an interview with the Examiner as soon as possible following his return August 2, 2005. Additionally, all rejections and objections of the Examiner are respectfully traversed in this paper. Reconsideration of all claims and withdrawal of all rejections are respectfully requested.

At paragraph 1 of the Office Action, the Examiner has again rejected claims 1-4, 9-20, 25-37, 39, 41, 45 and 47-50 as being obvious under 35 U.S.C. 103, citing U.S. patent 6,546,419 of Humpleman et al. ("Humpleman et al."), in combination with "HP Intros mgmt. apps for router nets" ("Duffy"), and United States patent number 6,757,720 of Weschler, Jr. ("Weschler"). Applicants respectfully traverse this rejection.

As noted in previous responses, Humpleman et al. disclose a system that obtains *device capability* information in a structured format, such as an XML document, and compares the capabilities of two home devices responsive to a user interface displayed on a client device. Subsequently, and in a separate step, Humpleman et al. sends control and command data from the client device to the home devices to cause the home devices to perform requested services using XML Remote Procedure Calls (RPCs). Duffy discloses a Network Configuration Manager application and a Traffic Monitor application for configuring router networks and performing traffic analysis to pinpoint faults in a network, and uploading "configuration files" to provide configuration information from a central file server through manual uploading to a management station and downloading to routers. Weschler discloses managing user profile data structures

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comprising hierarchical structures of attributes, in which client applications having interfaces to protocol adapters send and receive messages through an API to a core profile engine.

Applicants first respectfully urge that the Examiner has not established a sufficient motivation to combine the cited references. A *prima facie* case of obviousness under 35 U.S.C. 103 must include a showing of a suggestion, teaching or motivation that would have led a person of ordinary skill in the art to combine the cited references in the particular manner claimed. See In re Dembiczak, 175 F.3d 994, 998 (Fed. Cir. 1999), and In re Kotzab, 217 F.3d 1365, 1371 (Fed. Cir. 2000). In the present Office Action, the Examiner asserts that "Given the teaching of Duffy and Weschler of *using XML to control network routers*, a person having ordinary skill in the art would have readily recognized the desirability and advantages of using the particular XML remote management document, definition, and parsing method taught by Humpleman to control network routers using XML, because XML is "well understood, actively developed, and readily transportable through a variety of communications media," . . . (emphasis added). Applicants respectfully disagree with the Examiner's statement that Duffy and Weschler teach "using XML to control network routers", since neither Duffy nor Weschler include such a teaching. Instead, Duffy teaches the use of configuration files to manage routers, and Weschler teaches the *transportability* of HTTP embedded XML formatted documents storing user profile information *through routers and other devices*. The basis of the Examiner's asserted motivation to combine Duffy and Weschler with Humpleman et al. is therefore incorrect.

The Examiner also provides no reason for specifically combining "Duffy" with "Weschler". As discussed above, the Examiner has attempted to show a motivation for combining Humpleman with the teachings of "Duffy" and "Weschler" (emphasis added). However, no explanation is provided as to why a person skilled in the art would combine the

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specifically cited features of Duffy and Weschler in the particular manner claimed. Applicants respectfully urge that an obviousness type rejection under 35 U.S.C. 103 is improper without a clear and particular showing of sufficient motivation to combine *all* the references that are relied upon. “[C]ombining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor’s disclosure as a blueprint for piecing together the prior art to defeat patentability—the essence of hindsight.” Dembiczak, 175 F.3d at 999. Since the present rejection sets forth no suggestion, teaching or motivation for combining Duffy and Weschler, it therefore lacks the necessary motivation for combining references under 35 U.S.C. 103.

Even if there were sufficient motivation to combine Humpleman et al., Duffy and Weschler in the particular manner claimed, and Applicants make no admission that such motivation exists, the combination still does not teach the present claims. Nowhere in the combination of Humpleman et al., Duffy and Weschler, is there disclosed or suggested any system or method for controlling a data forwarding service in a data forwarding device, including:

...
receiving at the network device a document written in accordance with a markup language and a corresponding document definition, wherein the document describes the data forwarding service;

parsing by the network device the received document in accordance with the corresponding document definition, wherein the parsing determines at least one parameter describing the data forwarding service; and

executing the data forwarding service on the network device *upon completion of the parsing*, in accordance with the parsed document, and *wherein the executing includes instantiating and launching the data forwarding service in the data forwarding device.* (emphasis added)

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as in the present independent claim 1. Analogous features are present in the independent claims 17, 33 and 48. Neither the structured format service capability information provided from the home networking devices in Humpleman et al., the router configuration files of Duffy, nor the XML formatted user profile documents of Weschler, provide any suggestion of "executing the data forwarding service on the network device upon completion of the parsing, in accordance with the parsed document, and *wherein the executing includes instantiating and launching the data forwarding service in the data forwarding device*", as in the present independent claims 1, 17, 33 and 48. In contrast, the structured format documents of Humpleman et al. convey *home network service capabilities* from *home network devices* to client devices, the router configuration files of Duffy have an *unspecified format*, and Weschler describes transporting *user configuration documents* formatted in XML using HTTP.

In the Response to Arguments section of the Office Action, the Examiner states that "Humpleman generally describes that the home network devices can include 'computers, peripheral devices, routers, storage devices, and appliances'. . . and that 'an example of a network is a home network'. . . 'the term 'device' typically includes logical devices or other units having functionality and an ability to exchange data, and can include not only all home devices but also general purposes computers'." This section of Humpleman et al., includes the only mention of "router" in Humpleman et al., and only as initial background information that a "network" may *generally* include routers. Humpleman et al. then *specifically* defines home network devices as having an ability to exchange data and including home devices and general purpose computers. The remainder of the Humpleman et al. disclosure refers to a home network including client devices and server devices, without suggestion of any operations involving the control of routers or any other type of *data forwarding device*, far less regarding any *data forwarding service*, as in

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the present independent claims. No routers or other data forwarding devices are mentioned in the process described in Humpleman et al. for reporting home device service capabilities from server devices to the client devices.

Moreover, the process of controlling a home network device service in Humpleman et al. differs from the present independent claims in that the services of Humpleman et al. are controlled by *remote procedure calls* issued from the client devices in a separate, subsequent step with regard conveying the structured format capabilities from the server systems to the client systems. This is in distinct contrast to the features of the present independent claims, such as claim 1, which includes "executing the data forwarding service on the network device *upon completion of the parsing . . .*" (emphasis added). The above discussed features of the present independent claims are similarly absent from the teachings of Duffy and Weschler.

For the above reasons, Applicants respectfully urge that the combination of Humpleman et al., Duffy and Weschler does not disclose or suggest all the features of the present invention as set forth in the independent claims 1, 17, 33 and 48. Accordingly, the combination of Humpleman et al., Duffy and Weschler does not form a *prima facie* case of obviousness under 35 U.S.C. with regard to independent claims 1, 17, 33 and 48. As to claims 2-4, 9-16, 18-20, 25-32, 34-37, 39, 41-45, 47 and 49-50, they each depend from claims 1, 17, 33 and 48, and are believed to be patentable over the combination of Humpleman et al., Duffy and Weschler for at least the same reasons.

In paragraphs 2-4 of the Office Action, the Examiner rejected claims 5-8, 21-24, 38, 40, 44 and 46 for obviousness under 35 U.S.C. 103, again citing Humpleman et al., Duffy and Weschler, in combinations with U.S. Patent Publication No. 2002/0032709 of Gessner

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("Gessner"), "Dynamic Classification in Silicon-based Forwarding Engine Environments" ("Jaeger"), and United States patent number 5,951,649 of Dobbins ("Dobbins").

Applicants first submit that a sufficient motivation to combine the references has not been established in paragraphs 2-4 of the Office Action. As set forth above, Applicants respectfully urge that the Examiner's motivation to combine Humpleman et al., Duffy and Weschler in the rejection under 35 U.S.C. 103 in paragraph 1 of the Office Action is based on an incorrect analysis of the contents of Duffy and Weschler, and includes no clear and particular motivation to combine Duffy with Weschler. The reasons given for combining Gessner, Jaeger, and Dobbins with Humpleman et al., Duffy and Weschler in paragraphs 2-4 of the Office Action present no motivation for combining Humpleman et al., Duffy and Weschler beyond that given in paragraph 1 of the Office Action. Since no further motivation for combining Humpleman et al., Duffy and Weschler is provided in paragraphs 2-4 of the Office Action, and since the rejections in paragraphs 2-4 are each based on combining additional references with Humpleman et al., Duffy and Weschler, Applicants respectfully submit that the rejections in paragraphs 2-4 also lack a sufficient motivation to combine the cited references. "Our case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references." *Dembiczak*, 175 F.3d at 999. Applicants respectfully urge that since a clear and particular motivation has not been shown for combining Humpleman et al., Duffy and Weschler, the rejections of paragraphs 2-4 of the Office Action, each of which is based on a combination including Humpleman et al., Duffy and Weschler, also lack the requisite motivation to combine the cited references under 35 U.S.C. 103.

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Even if there were sufficient motivation to combine the cited references of paragraphs 2-4 in the particular manner claimed, and Applicants make no admission that such motivation exists, the combinations still do not teach the present claims. Like the combination of Humpleman et al., Duffy and Weschler, the cited combinations of references fail to disclose or suggest any system or method for controlling a data forwarding service in a network in a data forwarding device, including:

...
receiving at the network device a document written in accordance with a markup language and a corresponding document definition, wherein the document describes the data forwarding service;
parsing by the network device the received document in accordance with the corresponding document definition, wherein the parsing determines at least one parameter describing the data forwarding service; and
executing the data forwarding service on the network device *upon completion of the parsing*, in accordance with the parsed document, and *wherein the executing includes instantiating and launching the data forwarding service in the data forwarding device.* (emphasis added)

as in the present independent claims 1, 17 and 33. The cited combinations of references include no hint or suggestion of any step or feature that includes "executing the data forwarding service on the network device *upon completion of the parsing*, in accordance with the parsed document, and *wherein the executing includes instantiating and launching the data forwarding service in the data forwarding device,*" as in claims 1, 17 and 33. Accordingly, Applicants respectfully urge that the combinations of references cited in paragraphs 2-4 of the Office Action do not disclose or suggest all the features of the present invention as set forth in the independent claims 1, 17 and 33. The cited combinations therefore do not form the basis of a *prima facie* case of obviousness with regard to independent claims 1, 17 and 33. As claims 5-8, 21-24, 38, 40, 44

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and 46 each depend from claims 1, 17 and 33, they are respectfully believed to be patentable over the cited combinations of paragraphs 2-4 of the Office Action for at least the same reasons. Reconsideration of all pending claims is respectfully requested.

For the above reasons, and in view of the amendments to the claims herein, Applicants respectfully urge that the present claims are allowable over the prior art of record, and respectfully request that the Examiner's rejections be withdrawn. This application is now considered to be in condition for allowance and such action is earnestly solicited.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone David A. Dagg, Applicants' Attorney at 617-630-1131 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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Date

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